



NHRC

(The editorial is based on the article “More teeth for NHRC” which appeared in The Indian Express on 11th October 2018. It explains concerns related to National Human Rights Commission.)

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

Protection of human rights have been a core concern of United Nations since its establishment. The fear of further violation of human rights worldwide made United Nations General Assembly to adopt the Paris Principles on Human Rights. Adoption of Paris Principles led to the constitution of national human rights institutions in almost every country.

The Paris Principles is a set of international standards which frame and guide the work of National Human Rights Institutions (NHRIs) .

In India, National Human Rights Commission which is called as the “watchdog of human rights” takes the responsibility of protecting the rights relating to life, liberty, equality and dignity of the individual. NHRC has marked its 25th year anniversary this year. It is a statutory body constituted under Protection of Human Rights (PHR) Act 1993. It has been stuck in controversies since its formation.

To strengthen National Human Rights Commission, the government seeks to introduce amendments to the Act in Parliament’s 2018 Winter Session.

Union Cabinet has already approved the Protection of Human Rights (Amendments) Bill, 2018.

- The Bill provides that only a person who has been Chief Justice of India, or a Judge of the Supreme Court will be the chairperson of the NHRC.
- Bill proposes to include one member of the National Commission for Protection of Child Rights within its fold as a deemed member as well as a woman member.
- It proposes to enlarge the scope of eligibility and selection of the Chairperson of the NHRC as well as of State Human Rights Commissions.
- It also proposes to incorporate proper mechanism in the functioning of NHRC.

Role of NHRC

- NHRC holds a record of disposal of more than 17 lakh cases, payment of more than one billion rupees to the victims of human rights violations by various state agencies and more than 750 on-spot inquiries .
- It takes suo moto action or on a petition presented to it or on an order of a court.

- NHRC takes responsibility to monitor human rights safeguards.
- It makes recommendations to the Government in making policies.
- It also extends cooperation to NGOs working for the protection of human rights.
- It reviews the safeguards provided by the Constitution or any law for the time being in force for the protection of human rights and recommends measures for their effective implementation.
- NHRC studies treaties and other international instruments on human rights and make recommendations for their effective implementation.
- It spreads human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.
- It undertakes research in the field of human rights.

Criticism

- The selection committee tasked with appointing the Chairperson and the members to the Commission is dominated by the ruling party. Political interference in its working is a major drawback.
- Supreme Court called the NHRC a “toothless tiger”, as it does not have powers to penalise the offenders. There is a conflict of interest, as the Police officials on deputation, investigating for the NHRC remain attached to their home cadre. The NHRC urgently requires officers of its own to carry out independent investigations, and the government should provide it resources for the same.
- Functions of the commission are mainly recommendatory in nature. And the recommendations are not binding on the concerned authorities.
- The working of NHRC officials is not supervised. Officials do not owe financial accountability to the Comptroller and Auditor General, and have often been accused of human rights violations themselves.
- Recruitment procedure is obscure and there is lack of transparent recruitment mechanism. The criteria to assess candidates is also not specified.
- The investment mechanism by the Commission is not clearly defined.
- Commission has a limited role with respect to the violation of human rights by the members of armed forces.

Way Forward

- There is thus a need to diversify the selection committee. Efficiency of working of NHRC can be improved if the recruitment procedure becomes transparent.
- Specific time-frames should be fixed for the thorough and expeditious completion of investigations.
- Human Rights education should be promoted in India to make the population aware about rights.
- The dominance of judiciary’s presence in the Commission needs to be balanced out by the inclusion of civil society members and academicians with proven track record in the field of human rights. The diversification can bring with it the grass roots level experience, widespread community outreach and the expertise of these organisations or individuals.
- Special Cells should be constituted under the concerned District Magistrates to follow the progress of the investigation of cases not entrusted to the CBI, these should be monitored by the Additional Director-General.

National Human Rights Commission (NHRC)

- It was established in 1993 under a legislation enacted by the Parliament, namely, the Protection of Human Rights Act, 1993.
- It is a statutory body.
- In 1993, the UN General Assembly adopted the Paris Principles on Human Rights. This led to the constitution of national human rights institutions in almost every country.
- The commission is a multi-member body consisting of a chairman and four members.
- The commission’s headquarters is at Delhi and it can also establish offices at other places in India.

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